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BEFORE THE ARIZONA CORPORATION

JUL 20 1994

MARCIA WEEKS
CHAIRMAN
RENEZ D. JENNINGS
COMMISSIONER
DALE H. MORGAN
COMMISSIONER

DOCKETED BY

C.W.

IN THE MATTER OF THE APPLICATION OF)
E-Z TRANSMIX, INC. FOR AN)
ADJUDICATION NOT A PUBLIC SERVICE)
CORPORATION PROVIDING CUSTOMER-)
OWNED PAY TELEPHONE SERVICE.)

DOCKET NO. U-2757-94-123

DECISION NO. 58717ORDER

Open Meeting
July 20, 1994
Phoenix, Arizona

BY THE COMMISSION:

FINDINGS OF FACT

1. On April 20, 1994, E-Z Transmix, Inc., ("Applicant" or "Company") filed with the Arizona Corporation Commission ("Commission") an application for an adjudication that it is not a public service corporation providing customer owned telephone service to the public.

2. Applicant is located at the end of E-Z Street in Prescott, Arizona.

3. Applicant provides pay telephone service in the shop area of its business for the sole use of its employees. The pay telephone is not accessible to the public.

4. On June 28, 1994, the Commission's Utilities Division ("Staff") issued its Staff Report recommending approval of the application. Staff further recommended that a hearing on the matter not be held.

1 5. Staff conducted an on-site inspection of the Company's pay
2 telephone location and determined that the pay telephone is not
3 accessible to the public.

4 6. Staff believes that the Company should be adjudicated not to
5 be a public service corporation in light of A.A.C. R14-2-904 since:

- 6 ♦ Applicant's business is not the provision of pay
7 telephone service;
- 8 ♦ Applicant has not dedicated its pay telephone
9 service for the public use;
- 10 ♦ the Company is not the sole offeror of payphone
11 service in the area; and
- 12 ♦ the public safety and convenience does not
13 require public telephone service at the Company's
14 location.

13 CONCLUSIONS OF LAW

14 1. The Commission has jurisdiction to determine whether
15 Applicant is a public service corporation within the meaning of
16 Article XV of the Arizona Constitution and A.A.C. R14-2-904.

17 2. Based on the evidence presented herein, Applicant is not a
18 public service corporation subject to the jurisdiction and regulation
19 of this Commission.

20 3. Staff's analysis of the application, and its recommendation
21 that the application be approved, are well made and should be adopted.

22 4. The application should be approved.

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ORDER

IT IS THEREFORE ORDERED that the application of E-Z Transmix, Inc. for an adjudication that it is not a public service corporation be, and is hereby, approved.

IT IS FURTHER ORDERED that this Decision shall become effective immediately.


BY ORDER OF THE ARIZONA CORPORATION COMMISSION.


CHAIRMAN


COMMISSIONER


COMMISSIONER

IN WITNESS WHEREOF, I, JAMES MATTHEWS, Executive Secretary of the Arizona Corporation Commission, have hereunto set my hand and caused the official seal of the Commission to be affixed at the Capitol, in the City of Phoenix, this 20 day of July, 1994.


JAMES MATTHEWS
EXECUTIVE SECRETARY

DISSENT _____
RNB:dap

1 SERVICE LIST FOR: E-Z TRANSMIX, INC.

2 DOCKET NO.: U-2757-94-123

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